

ment hereof; making an appropriation for the purposes hereof; providing the effective date hereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARRISH Chairman.

Committee Room,

Austin, Texas, March 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 494, A bill to be entitled "An Act providing for the sale by the Commissioner of the General Land Office at auction of oil and gas leases on unsold public free school and asylum lands, fresh water lakes, river beds and channels, islands, salt water lakes, bayous, inlets, marshes, reefs, and that part of the Gulf of Mexico within the jurisdiction of Texas; fixing the time, manner and terms of holding such auction sales, and providing distribution of lists of lands and acreage available; prescribing terms, rentals and royalties on oil and gas leases; providing for continuing leases after production secured; prescribing terms and conditions of development of leases; providing for offset wells; authorizing transfers of permits and leases, and relinquishments of same to the State; providing for forfeiture of permits and leases on non-compliance with this Act and setting aside forfeitures; prescribing manner of securing right of way over adjoining lands; providing for retaining one-sixteenth oil and gas interest in all State land hereafter sold; providing for extensions of permits or leases upon unsuccessful development; fixing the terms of outstanding permits and leases; reviving and validating applications and permits of Caddo Lake and other fresh water lakes; fixing the terms of leases based on outstanding petroleum and gas prospect applications, and prescribing rentals and royalties thereon; providing for leases on vacant and unsurveyed lands; providing time elapsing during litigation shall not be counted as part of term of permit or lease; continuing combination benefits on permits previously combined; providing permit or lease owner may

survey his tract and adjust shortage or excess acreage therein; providing for disposition of funds arising from activities under this Act; prescribing effect of unconstitutional, void or inoperative portions of this Act; repealing all laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARRISH, Chairman.

Committee Room,

Austin, Texas, March 10, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 511, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign and/or transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas in and to that tract of land known as the 'Wayside State Park, Wayside, Texas, 120 acres,' situated in the Palo Duro canyon, Armstrong County, in the State of Texas, to H. G. Bowe of Swisher County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARRISH, Chairman.

#### FORTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

March 12, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
Gainer.	Hornsby.

Loy.	Purl.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.

**Absent-Excused.**

Deberry.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Moore:

S. B. No. 533, A bill to be entitled "An Act prohibiting any judge or officer of an election from betting or wagering on the election or nomination of any officer; prohibiting betting or wagering on the number of votes polled or cast, or to be polled or cast in the precinct or voting box in which such officer is serving in certain cases; prescribing offenses and punishment; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

**Senator Excused.**

Senator DeBerry was excused for the week on account of illness on motion of Senator Moore.

**House Bill No. 620.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Richardson:

H. B. No. 620. A bill to be entitled "An Act to exempt male persons residing in Van Zandt County, Texas, from road duty by paying to the county tax collector of said county the sum of three dollars (\$3.00) annually, and declaring an emergency."

On motion of Senator Pollard, the bill was re-committed to the Committee on Highways and Motor Traffic.

**Motion to Print.**

Senator Woodul moved to print S. B. No. 225 on minority report.

On motion of Senator Purl, the motion was tabled.

**Messages From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 12, 1931.  
Hon. Edgar E. Witt, President of the House.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 524, A bill to be entitled "An Act appropriating the sum of two hundred thousand dollars (\$200,000.00), or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated, to pay the per diem of members, and to pay the salaries and per diem of officers and employees of the Forty-second Legislature of the State of Texas; and declaring an emergency."

S. B. No. 525, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Forty-second Legislature of the State of Texas; providing how accounts may be approved; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 12, 1931.  
Hon. Edgar E. Witt, President of the House.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills and resolutions:

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by amending Section 33 and Section 40 of Article 16 of the Constitution of Texas so as to permit officers of the National Guard, the National Guard Reserve, and the Officers' Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States army, navy and marine corps, and retired enlisted men of the United States army, navy and marine corps, to hold public office in Texas.

H. J. R. No. 12, Proposing to amend the Constitution of the State of Texas so as to provide that the Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any county or defined subdivision thereof, or other municipal corporation therein, except delinquent taxes which have been due for a period of at least four years.

H. B. No. 13, A bill to be entitled "An Act to encourage and aid in the conservation of soil fertility in the counties of Texas, and to maintain the productiveness of agricultural lands for the production of essential foods and commercial crops upon which the public well being depends, etc., and declaring an emergency."

S. B. No. 310, A bill to be entitled "An Act validating and making certain Sections 1 and 2 of Chapter 81, General Laws of the Second Called Session of the Thirty-sixth Legislature, being Articles 5367 and 5368 of Chapter 4, Title 86, Revised Civil Statutes of Texas, of 1925, relating to public school and asylum lands, providing that the original sales affecting lands with mineral reservation may be enlarged to include 15/16 of the minerals in the owners of the soil, reserving to the State 1/16 interest in said minerals as royalty; authorizing such owners to enlarge their original purchase of school and asylum lands to include 15/16 of oil and gas, or other minerals; authorizing the owner to de-

velop and produce minerals, or lease, sell or contract said lands for the development and production of minerals; validating and confirming oil and gas leases heretofore made and sales or reservations of royalty and mineral interest; providing for the forfeiture of such leases under certain conditions, and providing that such forfeiture shall be in lieu of any claim for consideration or rental; providing that if any part of this Act shall be held unconstitutional, it shall not affect the remaining provisions; providing that Articles 5369, 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377, 5378 and 5379 shall not apply where the owner of the soil has acquired the legal title to 15/16 of the minerals; and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 78.

Senator Hornsby sent up the following resolution:

Whereas, The University Club has invited the members of the Texas Senate and ladies to attend a reception on Tuesday evening, March 17th, lasting from 8 until 11 o'clock, to be held at 2304 San Antonio St.; and,

Whereas, This will be a most enjoyable occasion, and will afford the Senate and ladies an opportunity to make friends among and enjoy the hospitality of the members of this fine organization; therefore, be it

Resolved, That this most cordial invitation be accepted by as many members as can possibly make arrangements to attend this pleasant function.

HORNSBY.

Read and adopted.

#### Special Orders Set.

On motion of Senator Woodul, S. J. R. No. 2 was set as special order next Wednesday morning, immediately following the morning call and the conclusion of pending business.

Senator Woodward moved to set as special order Friday, March 20, at 2 o'clock p. m., the following bills: S. B. Nos. 63, 64, 59, 60, 61, 67, 65, 69, 68, 94, 95, 66, and 224.

Senator Parrish called for a division of the question.

The Senate refused to set S. B. No. 63 as special order.

Senator Woodward withdrew his motion.

#### Motion to Reconsider.

Senator Greer moved to reconsider the vote by which S. J. R. No. 2 was set as special order.

The motion prevailed.

Senator Woodul withdrew the motion.

#### Caucus Report.

Senator Woodward sent up the following caucus report:

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your sub-committee appointed by the Senate Caucus to arrange for committee hearings during the remainder of this week, beg leave to report the following recommendations, to-wit:

1. We recommend that the Senate adjourn at eleven o'clock a. m. on this date until tomorrow, Friday, March 13th, at nine o'clock a. m.

2. That the Senate adjourn at nine thirty o'clock tomorrow, Friday, Friday, March 13th until Monday at ten o'clock a. m.

3. We recommend that the following committees hold hearings today, tomorrow and Saturday in accordance with the following schedule, to-wit:

Finance, eleven o'clock a. m. to twelve m.

Insurance, one-thirty p. m. to two p. m.

Banking, two o'clock p. m. to three o'clock p. m.

Highways and Motor Traffic, two-thirty p. m. to three-thirty p. m.

Civil Jurisprudence, three-thirty p. m. to five p. m.

4. That the following committee hearings be held tomorrow, Friday, March 13th, as follows:

Highways and Motor Traffic, nine-thirty to eleven a. m.

Eleven a. m. to twelve M. open.

Insurance, one-thirty to two-thirty p. m.

State Affairs, two-thirty p. m. to five p. m.

Civil Jurisprudence, from eight p. m. to ten p. m.

5. That the following committee

hearings be held Saturday, March 15th, as follows:

Civil Jurisprudence, nine-thirty to twelve m.

State Affairs, one-thirty to five p. m.

6. We further recommend that you appoint a sub-committee of five members of the Senate to re-arrange the time for committee hearings of the several committees of the Senate during the remainder of the session beginning with Monday, March 16th.

Respectfull submitted,

WOODWARD,  
MOORE,  
BECK.

The report was read and adopted.

#### Motion to Concur.

Senator Small moved to concur in House amendments to S. B. No. 310.

The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Poage.

Absent-Excused.

Deberry.

Senate Bill No. 518 Re-committed.

On motion of Senator Beck, S. B. No. 518 was re-committed to the Committee on Educational Affairs.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 615.	H. B. No. 530.
H. B. No. 242.	H. B. No. 712.
H. B. No. 317.	H. B. No. 647.
H. B. No. 448.	H. B. No. 657.

**House Bills Referred.**

H. B. No. 13. referred to Committee on Agricultural Affairs.

H. J. R. No. 12. referred to Committee on Constitutional Amendments.

H. J. R. No. 1, referred to Committee on Constitutional Amendments.

**Adjournment.**

On motion of Senator Woodward, the Senate, at 11:10 o'clock a. m., adjourned until 9 o'clock a. m., Friday.

**APPENDIX.****Petitions and Memorials.****(Telegram)**

Houston, Texas, March 11, 1931.

Bob Barker, Secretary Senate, Austin, Texas.

Your message advising of the adoption of resolution of the Senate inviting me to address that Honorable body was transmitted to me at the Houston municipal airport as I was preparing to take off for Wichita, Kansas, to have Texaco Thirteen overhauled. Please extend to the Senate my sincere appreciation of the honor conferred upon me and regrets that I am unable at this time to accept the invitation. If possible for me to do so will afford me great pleasure to avail myself of the invitation at a later date and will telegraph you from Wichita whether can arrange to do so with assurances of highest regards.

FRANK HAWKS.

**Committee Reports.****Committee Room.**

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 671, A bill to be entitled "An Act to prohibit the sale or offering for sale or the buying of any Bass, Crappie, Perch, or Channel or Opalopsis Cat, or any other fish taken from the waters of Lake Waco or the Bosque Rivers and their tributaries in the counties of McLennan, Bosque, Hamilton, and Erath; to prohibit the use of any drag seine or nets and to limit the size and num-

ber to be caught, etc., etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

**Committee Room.**

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 469, A bill to be entitled "An Act providing for a closed season in Hall, Howard, Johnson, Van Zandt, Wilson, and Young Counties, upon quail, doves, and pheasants for a period of three (3) years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

**Committee Room.**

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 289, A bill to be entitled "An Act providing for the taking of fish from the fresh water of Hunt County, Rains County and Kaufman County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

**Committee Room.**

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 179, A bill to be entitled "An Act to amend Article 955. of the Revised Criminal Statutes of Texas of 1925, as amended by H. B. No. 406, Chapter 257, General and Special Laws of the Regular Session of

the Forty-first Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 8, A bill to be entitled "An Act providing that it shall be unlawful for any officer or employee of this State or any other person to build, construct, erect, or maintain any building, structure, memorial or monument within the enclosure of the Capitol ground in the city of Austin without the authority theretofore given by statute by the Legislature of the State of Texas, and prescribing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 507, A bill to be entitled "An Act to amend Section 1, Chapter 10, Acts of the Fourth Called Session of the Forty-first Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 480, A bill to be entitled "An Act regulating the rates of gas

utilities which furnish gas to schools of the State, or any municipality, school district, or other political subdivision; providing that where such governmental agency has more than one building in any incorporated city or town, that the same gas rates shall be allowed such agency as is charged to industrial institutions or similar institutions; providing the means and manner of enforcing the same; providing procedure; prescribing offenses and penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 479, A bill to be entitled "An Act regulating the installation and keeping of records by gas companies furnishing gas to any incorporated city or town; prescribing the means and cost thereof; providing for the reading and inspecting of said meters and records by the mayor or city manager, or any alderman, commissioner or member of the city council, or by any other member of the governing body; prescribing the offenses and penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 469, A bill to be entitled "An Act amending Chapter 177, Acts of the Thirty-ninth (39th) Legislature, Regular Session, page 434, as amended by the Acts of the Forty-first (41st) Legislature, Regular Session, Chapter 221, page 472, as amended by the Acts of the Fifth (5th) Called Session of the Forty-first (41st) Legislature, Chapter 45, page 185, relating to fur-bearing animals, by adding thereto Section

13-A, providing that the open season for fur-bearing animals shall be extended fifteen (15) days in Cottle County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 267, A bill to be entitled "An Act establishing an Art Commission for the State of Texas, providing for appointment of the members thereof, prescribing their qualifications, and defining the powers and duties of such commission; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, in lieu of advance printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 528, A bill to be entitled "An Act amending Article 827 of the Penal Code of the State of Texas, Revised Criminal Statutes of 1925, so as to require street railways and motor busses in cities of not less than 40,000 inhabitants to carry all school children for one-half the fare regularly collected for the transportation of adults, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 522, A bill to be entitled "An Act to amend Article 1605, Re-

vised Civil Statutes of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 376, A bill to be entitled "An Act amending Article 6869 by adding thereto another section to be known as Article 6869-B, providing that in counties of not less than 23,000 population and not more than 24,000 population, according to the 1930 Federal Census, not more than two deputy sheriffs may be paid a salary by the Commissioners' Court not to exceed \$100.00 per month; prescribing the means and manner, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 532, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which had more than forty thousand population and fewer than one hundred thousand population, according to the Federal Census of 1930, whether under general or special law, repealing all laws, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred

S. B. No. 518, A bill to be entitled "An Act to amend Section 1, S. B. No. 158, Acts of the Regular Session of the 42nd Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 510, A bill to be entitled "An Act repealing Chapter 110, Acts of the Regular Session of the 39th Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 519, A bill to be entitled "An Act relating to the duties of the County Board of Trustees of public schools of this State, in all counties having an area of not more than one thousand six hundred fifty (1650) square miles, and not less than one Thousand Four Hundred Fifty (1450) square miles, and a population of not less than seven thousand seven hundred (7700), and not more than 7900, according to the 1930 Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of independent and common school districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 464, A bill to be entitled "An Act to amend Section 1, Chapter 250, Senate Bill No. 520, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 35, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

THOMASON, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Public Health, to whom was referred

S. B. No. 225, A bill to be entitled "An Act regulating the manufacture, sale, possession, offering for sale, selling or otherwise dealing in products or articles of food containing added sucrose as one of the ingredients when sweetened with any other sugar than sucrose; providing for the labeling of the same and for the condemnation, confiscation and sale thereof, and the procedure therefor; providing for fees of officers charged therewith; providing for presumptions; providing for the general enforcement thereof; prescribing offenses, fines, penalties and punishment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BERKELEY, Chairman.



## (Minority Report.)

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Public Health, to whom was referred

S. B. No. 225, A bill to be entitled "An Act regulating the manufacture, sale, possession, offering for sale, selling or otherwise dealing with products or articles of food containing added sucrose as one of the ingredients when sweetened with any other sugar than sucrose; providing for the labeling of the same and for the condemnation, confiscation and sale thereof, and the procedure therefor; providing for fees of officers charged therewith; providing for presumptions; providing for the general enforcement thereof; prescribing offenses, fines, penalties and punishment; and declaring an emergency."

Have had the same under consideration and beg leave to report that we differ with the majority of the committee, and we report said bill back to the Senate with the recommendation that said bill do pass.

BECK,  
NEAL.

Committee Room,

Austin, Texas, March 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 574, A bill to be entitled "An Act to provide more adequate compensation for county treasurers in counties of a population of not less than 250,000 and not more than 310,000 as shown by the last Federal census of 1930, where the treasurer of such counties acts as paymaster for the county in addition to the regular duties as county treasurer; and an assistant for such treasurers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 694, A bill to be entitled "An Act providing that in counties of a certain population and property valuation, the sheriff may appoint certain deputies, with the consent of the commissioners' court; providing the means and manner of appointment and payment of salaries, and prescribing the maximum salary; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 12, 1931

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 159, A bill to be entitled "An Act to amend Section 1 of Chapter 90, Acts of the 41st Legislature. First Called Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 484, A bill to be entitled "An Act to amend Article 3079, Chapter Eleven, Title 50 of the Revised Civil Statutes of Texas, 1925; and adding thereto Articles 3079A, 3079B and 3079C, providing for the time that electors may be chosen for President and Vice President of the United States; the manner in which they may be elected; and how the returns shall be canvassed, and providing for the making of certificates to the Secretary of State by the Chair-

man of the State Committee of said party and designating the time in which said certificates shall be made."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 476, A bill to be entitled "An Act providing that the returns of general elections and primary elections shall be promptly transmitted as required by law, and providing penalties for violation of this Act and remedies for its enforcement; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 446, A bill to be entitled "An Act authorizing cities and towns to create Appraisal Boards for the purpose of valuing property within the limits of cities and towns for fire insurance purposes, and providing that where cities and towns acting under such authority create such board, then no fire insurance policy shall be issued upon property within such city or town without obtaining a certificate of valuation from the board, and providing further that in the event fire insurance in excess of the value fixed by said board is placed upon any property and such property is destroyed or damaged, no loss resulting therefrom shall be taken into consideration in fixing fire insurance rates or determining insurance penalties to be assessed against such cities or towns."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 537, A bill to be entitled "An Act validating, ratifying, confirming, and approving the acts, orders and proceedings of the Commissioners' Court of Somervell County, Texas, relating to incorporation of the City of Glen Rose; validating, ratifying, confirming and approving the boundary lines embracing the territory within the corporate limits of the City of Glen Rose; validating, ratifying, confirming and approving all acts, orders and proceedings of the officers and Board of Aldermen of the City of Glen Rose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 128, A bill to be entitled "An Act validating the extension of the corporate limits of cities of more than 50,000 inhabitants, according to the last United States census, where such extension is made under the provision of any home rule charter or ordinance since the enactment of Chapter 110, General Laws of the Forty-first Legislature of the State of Texas of 1929, and validating all proceedings had, done or performed by the governing authorities of said cities or inhabitants thereof in regards to the question of the extension of city limits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ONEAL, Chairman.

Committee Room.

Austin, Texas, March 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 258, A bill to be entitled "An Act regulating child labor at certain ages, fixing the hours and time of work, and prescribing ages for work at certain places, and for certain kinds of work, according to the dangers and environment; fixing and limiting the hours of work per day and per week; providing for the issuance of permits for certain children to be taken out of school, and to work in certain places, and for the displaying and renewal of same; providing exceptions; providing for inspections of places where child labor is used; prescribing the duties of the Bureau of Labor Statistics; requiring reports, records and providing generally for the enforcement of the provisions hereof; prescribing offenses, fines and penalties and punishments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the following Committee Substitute be passed in lieu thereof, and that it be printed.

LOY, Chairman.

C. S. S. B. No. 258.

#### A BILL

#### To Be Entitled

An Act prohibiting the employment of children under sixteen years of age to labor in certain occupations, prohibiting the employment of children under eighteen years of age to labor in certain hazardous occupations, prohibiting the employment of any boy under twelve years of age or any girl under eighteen years of age in certain street trades, prohibiting the sending of children under eighteen years of age to certain places; fixing and limiting the hours of work for children under sixteen years of age; providing for working permits to be issued by county or city superintendents of schools for children between twelve and sixteen years of age in certain occupations and under certain conditions, requiring employers employing children be-

tween the ages of twelve and sixteen years to secure and post permits where child is employed; providing how such permits may be secured; giving the Commissioner of Labor Statistics or his deputies or inspectors free access to all places where children or minors are employed, providing for the issuance of certain forms by the Commissioner of Labor Statistics and for reports to be made thereon; providing penalties for violations of this Act; providing certain exceptions; repealing all laws and parts of laws in conflict herewith, specifically repealing Chapter 180 of the General and Special Laws passed at the Regular Session of the Forty-first Legislature and approved March 12, 1929, specifically repealing Article 5181, Revised Civil Statutes of 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person, or any agent or employee of any person, firm or corporation, who shall hereafter employ any child under the age of sixteen years or who shall permit any child under the age of sixteen years to work or labor in or about any factory, mill, workshop, laundry, mercantile establishment, mechanical establishment, office, place of amusement, restaurant, hotel, rooming house, or in the distribution or transmission of merchandise or messages, or any other place of labor, at any time, except as may be provided by the provisions of this Act, shall be guilty of a misdemeanor, and shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in jail for not more than sixty days.

Sec. 2. Any person, or any agent or employee of any person, firm or corporation, who shall hereafter employ any child under the age of eighteen years or who shall permit any child under the age of eighteen years to labor in or about any mine, quarry or place where explosives are used, or in any hazardous occupation, or who shall permit any person, firm or corporation, their agents or employees to send any such child under the age of eighteen years to any disorderly house, bawdy house, assignation house, or place of amusement conducted for immoral purposes, the character or reputation

of which could have been ascertained upon reasonable inquiry on the part of any such person, firm or corporation having control or employment of such child, shall be guilty of a misdemeanor, and shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in jail not more than sixty days.

Sec. 3. It shall be the duty of every person, firm or corporation, their agents or employees, doing a messenger or delivery business, or whose employees may be required to deliver any message, package, merchandise or other thing, having in their employ or under their control, any child under the age of eighteen years, before sending any such child on such errand, to first ascertain if such child is being sent, or is to be sent, to any place prohibited in Section 2 of this Act. If any person, firm or corporation their agents or employees, shall violate the provisions of this Section, he shall be guilty of a misdemeanor, and shall be punished as provided in Section 2 of this Act.

Sec. 4. Any person, or agent or employee of any person, firm or corporation, who shall hereafter employ any boy under twelve years of age or any girl under eighteen years of age, to work or labor at any time or in any connection with the street occupation of peddling, bootblacking, the sale or distribution of newspapers, magazines, periodicals or circulars, or in any other occupation pursued in any street or public place, shall be guilty of a misdemeanor, and shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), or be imprisoned in jail not more than sixty days. Provided, however, that nothing in this Section shall be construed to apply to cities whose population is less than fifteen thousand according to the last preceding Federal census.

Sec. 5. If any person, or any agent or representative of any firm or corporation, or other persons or associations, having in their employ or under their control, any child under the age of sixteen years, shall require or permit such child to work or be on duty for more than eight hours in any one calendar day, or for more than forty-eight hours in any one calendar week, or shall cause or permit any such child to

work between the hours of seven o'clock p. m. and six o'clock a. m., shall be guilty of a misdemeanor, and shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), or be imprisoned in jail not over sixty days.

Sec. 6. Upon application being made in person by the parent, guardian or other person in charge or control of any child between the ages of twelve and sixteen years, to the county superintendent of schools or the city superintendent of schools, of the county or city in which any such child resides, the earnings of which child are necessary for the support of itself, its mother, when widowed or in needy circumstances, invalid father or mother, or other children younger than the child for whom the permit is sought, the said county or city superintendent of schools, may upon the affidavit of the parent, guardian, or other person in charge or control of such child, stating that such child is over twelve years of age; that such child has completed the seventh grade in a public school or its equivalent, and that it shall not be employed in or around any mill, factory or other place where dangerous machinery is used, nor in any mine, quarry or other place where explosives are used, nor in any hazardous occupation, or where the moral or physical condition of such child is liable to be injured; and that the earnings of such child are necessary as above stated, and that such support cannot be obtained in any other manner, and that suitable employment has been obtained for such child; which affidavit shall be accompanied by the certificate of a licensed physician showing that such child is physically able to perform the work or labor for which such permit is sought, issue a permit for such child to enter such employment. Every person, firm or corporation employing any such child between the ages of twelve and sixteen years shall post in a conspicuous place where such child is employed, the permit; provided that no such permit shall be issued for a longer period than twelve months, but that it may be renewed from time to time upon satisfactory evidence being produced showing that the conditions under which the former per-

mit was issued still exist, and that no physical or moral injury has resulted to such child by reason of its employment. Nothing in this act shall prevent the working of school children of any age from June 1st to September 1st of each year, except that they shall not be permitted to work in any factory, mill, workshop, or other places mentioned in Sections 2 and 6 of this Act, or in any hazardous occupation. Whenever such school children are employed between the dates of June 1st and September 1st of any year their hours of labor shall not exceed the hours provided in Section 5 of this Act.

Sec. 7. The forms to be used in the issuance of such permits, as provided in the preceding section, shall be furnished by the Commissioner of Bureau of Labor Statistics; and such school superintendents issuing such permits shall file with the Commissioner of Bureau of Labor Statistics copies of all papers used in connection therewith.

Sec. 8. The Commissioner of the Bureau of Labor Statistics, or any of his deputies or inspectors, shall have free access during working hours to all places where children or minors are employed and any owner, manager, superintendent, foreman or other person who shall refuse to admit, or in any way hinder or deter the said Commissioner, or any of his deputies or inspectors, from entering or remaining in such place or from collecting information with respect to the employment of children as provided in this Act, shall be guilty of a misdemeanor, and shall be fined not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00.)

Sec. 9. Provided that nothing in this Act shall be construed as prohibiting the employment of children in agricultural pursuits, of any child regardless of its age, or to hours during which children may work on farms, nor shall any person be guilty under this Act where the child employed is permitted to work under the provisions of this Act.

Sec. 10. All laws or parts of laws in conflict herewith are repealed. Chapter 180, General and Special Laws of the Forty-first Legislature, approved March 12, 1929, and Article 5181, Revised Civil Statutes of 1925, are hereby specifically repealed.

Sec. 11. The fact that the children of Texas do not now have sufficient protection in their employment and that the present law is inadequate to provide sufficient protection, and that the physical and moral well-being of many children of this State are being adversely affected, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that the same is hereby suspended, and this Act shall take effect and be in force from and after its passage; and it is so enacted.

Committee Room,  
Austin, Texas, March, 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 289, A bill to be entitled "An Act granting to the widow and daughters of Ed Mills the right to sue the State of Texas for damages for the death of the said Ed Mills on or about February 15th, 1928, on Highway Number 3 in Colorado County, Texas, at or near Columbus, Texas, while on duty as an employee of the State; fixing the venue for such suit; providing for the procedure and rules of evidence; making an appropriation to pay any judgment that may be obtained in said suit; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Senators Pollard, S. B. No. 289.  
Greer, Thomason,  
Patton, Russek.

#### A BILL

#### To Be Entitled

An Act granting to the widow and daughters of Ed Mills the right to sue the State of Texas for damages for the death of the said Ed Mills on or about February 15th, 1928, on Highway Number 3 in Colorado County, Texas, at or near Columbus, Texas, while on duty as an employee of the State; fixing the venue for such suit; providing for the procedure and rules of evidence; making an appropriation to

pay any judgment that may be obtained against the State in said suit; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Permission is hereby granted to the widow of Ed Mills and to his daughters, Elaine Mills and Marie Mills, to sue the State of Texas in any District Court of Travis County, Texas, for damages for the death of the said Ed Mills on or about February 15th, 1928, on Highway number 3 in Colorado County, Texas, at or near Columbus, Texas, while the said Ed Mills was on duty as an employee of the State.

Sec. 2. In said suit the liability of the State, if any, shall be ascertained and fixed and judgment rendered accordingly, and said suit shall be tried according to the procedure and rules of evidence provided by the general laws of the State as in other similar civil cases.

Sec. 3. The sum of \$10,000.00 is hereby appropriated out of the State Treasury to be paid out of the State Highway fund, the same or so much thereof as may be necessary to be used by the State Highway Department to pay whatever judgment for damages and costs that may be obtained by the plaintiffs in said suit or by any of them.

Sec. 4. The fact that the family of Ed Mills have suffered great loss by reason of the violent death of the said Ed Mills while working as an employee of the State, and the further fact that they can not sue the State without permission from the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both Houses be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### FORTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
March 13, 1931.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent-Excused.

Deberry.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was suspended with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Berkeley:

S. B. No. 534, A bill to be entitled "An Act to authorize the appointment of receivers for irrigation districts, under certain circumstances, prescribing the conditions thereof, defining the duties of the receiver and prescribing his powers, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parrish:

S. B. No. 535, A bill to be entitled "An Act to provide for making and preserving records of delinquent and unpaid taxes of independent school districts where the local ad valorem